

## AMICUS CURIAE NOTICE REGARDING JURISDICTIONAL DEFECTS

(Filed for Notice Purposes Only — No Relief Requested)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA,

v.

ELAINE ESCOE, AFRED DAVIS ET AL(S)],

Defendants

Case No. 25-cr-80076-AMC

### AMICUS CURIAE NOTICE (NOTICE ONLY)

Amicus Curiae respectfully submits this limited notice solely to call the Court's attention to non-waivable jurisdictional prerequisites reflected on the face of the CM/ECF docket. Amicus does not move the Court, does not seek relief, and requests no ruling. This filing is submitted for notice purposes only.

### DOCKET-BASED JURISDICTIONAL OBSERVATIONS

*Question: do Good people BLACK, Latin & White  
have Rights!*

Based on review of the CM/ECF docket entries as reflected in the docket report, Exh. 2+3.

1. No Criminal Complaint Reflected, Exh. 3. And Exh. 4. And 6-11.

The docket reflects no criminal complaint and no sworn affidavit of loss or probable cause initiating prosecution under Fed. R. Crim. P. 3–4.

2. No Warrant Reflected.

The docket reflects no arrest warrant or grand-jury warrant filed as a standalone entry under Fed. R. Crim. P. 4 or 9.

3. Indictment Not Demonstrated as Returned.

Although the docket references an “Indictment w/forfeiture,” the docket report itself does not display a foreperson’s signature, a “True Bill,” or notation that the indictment was returned in open court, as required by Fed. R. Crim. P. 6(f), Exh. 1. and Exh. 2.

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## **GOVERNING LAW (NOTICE ONLY)**

- Rule 6(f) requires that an indictment be returned in open court; absent a demonstrated return, subject-matter jurisdiction is not established on the record.
- Rule 9(a) contemplates that process following indictment be supported by a valid charging instrument and warrant; the absence of docketed process is jurisdictionally significant.
- *McNally v. United States*, 483 U.S. 350 (1987); *Cleveland v. United States*, 531 U.S. 12 (2000); *Neder v. United States*, 527 U.S. 1 (1999) collectively require that the government establish a cognizable property interest and materiality as elements of federal fraud offenses.
- 18 U.S.C. § 641 applies only to money or property of the United States; where the record does not establish federal ownership or loss, jurisdiction is implicated.

These principles are structural and non-waivable and may be noticed at any stage.

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## **LIMITATION OF SUBMISSION**

This Amicus Curiae Notice is confined to objective docket observations and settled law. It seeks no adjudication, adds no evidence, and does not advocate outcomes.

Respectfully submitted,

Amicus Curiae

Signature Maurice S.

Maurice Symonette on behalf of Alfred Davis

Amicus Curiae friend of the Court

Date. 12/15/2025

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Exh. 1.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO: 2025-CR-80076-Cannon/McCabe

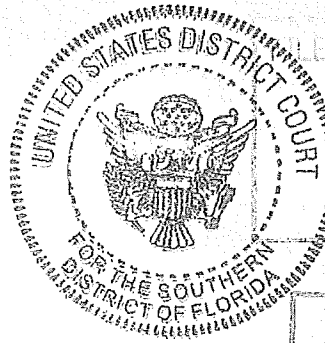
18 U.S.C. § 1343  
18 U.S.C. § 1349  
18 U.S.C. § 1956(a)(1)(B)(i)  
18 U.S.C. § 1956(h)  
18 U.S.C. § 1957  
18 U.S.C. § 982(a)(1)  
18 U.S.C. § 982(a)(2)(A)

UNITED STATES,

v.

ELAINE ESCOE,  
ALFRED DAVIS,  
CHER DAVIS,  
GINO JOURDAN,  
LATOYA CLARK, and  
JAMES McGHOW,

Defendants.



MAY 22 2025

ANGELA E. NOBLE  
CLERK, U.S. DISTRICT COURT  
300 FLA. - 2025

Certified to be a true and  
correct copy of the document on file  
Angela E. Noble, Clerk,  
U.S. District Court  
Southern District of Florida

By [Signature]  
Date 12/4/2025 Deputy Clerk

INDICTMENT

The Grand Jury charges that:

GENERAL ALLEGATIONS

COVID-Relief Programs

1. The Paycheck Protection Program ("PPP") offered forgivable loans to small businesses to cover payroll and certain operating expenses. To qualify, businesses had to report their number of employees and average monthly payroll and submit supporting documentation. Approved loans were issued by banks and backed by the Small Business Administration ("SBA").

2. The Economic Injury Disaster Loan ("EIDL") program offered low-interest loans and cash advances to small businesses affected by the pandemic. Applicants had to provide

Indictment:  
Not Signed

~~FILED~~

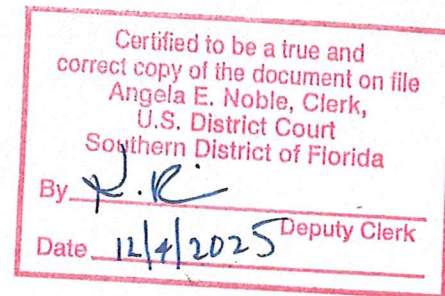
All pursuant to Title 18, United States Code, Section 981(a)(1)(C) and 982(a)(1), and the **Exh. 2.**  
procedures set forth in Title 21, United States Code, Section 853, as incorporated by Title 18,  
United States Code, Section 982(b)(1).

A TRUE BILL *nm*

FOREPERSON

*Markenzy LaPointe*  
MARKENZYLAPOINTE  
UNITED STATES ATTORNEY

*Jonathan Bailyn*  
JONATHAN BAILYN  
ASSISTANT UNITED STATES ATTORNEY





BNDDUTY,RMM

Exh. 3

U.S. District Court  
Southern District of Florida (West Palm Beach)  
CRIMINAL DOCKET FOR CASE #: 9:25-cr-80076-AMC-2  
Internal Use Only

Case title: USA v. Escoe, et al

Date Filed: 05/22/2025

Assigned to: Judge Aileen M. Cannon

Defendant (2)

Alfred Davis  
70485-004  
English; YOB: 1974

represented by **Jacob Alain Cohen**  
Law Offices of Jacob A. Cohen, PLLC  
750 S. Dixie Highway  
Boca Raton, FL 33432  
561-715-7866  
Email: Jacob@jacobcohenlaw.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
Designation: CJA Appointment

Pending Counts

18:1343 - FRAUD BY WIRE, RADIO,  
OR TELEVISION  
(1)

18:1956(h) - CONSPIRACY TO  
COMMIT MONEY LAUNDERING  
(2)

18:1343 - FRAUD BY WIRE, RADIO,  
OR TELEVISION  
(3-20)

18:1956(a)(1)(B)(i) and 2 - MONEY  
LAUNDERING  
(21-38)

18:1957 and 2 - MONEY LAUNDERING  
(39-56)

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

Certified to be a true and  
correct copy of the document on file  
Angela E. Noble, Clerk,  
U.S. District Court  
Southern District of Florida  
By K. R.  
Date 12/4/2025 Deputy Clerk



Disposition

Exh. 4.

**Highest Offense Level (Terminated)**

None

**Complaints**

None

**Disposition**

**Plaintiff**

USA

represented by **Jonathan Bailyn**  
US Attorney's Office  
Miami, FL  
Email: jonathan.bailyn@usdoj.gov  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Designation: Retained*

**Katie L. Wilson**  
DOJ-USAO  
United States Attorney's Office  
500 South Australian Avenue, Suite 400  
West Palm Beach, FL 33401  
561-209-1043  
Email: katie.sadlo@usdoj.gov  
**ATTORNEY TO BE NOTICED**

**Mitchell Evan Hyman**  
DOJ-USAO  
Asset Forfeiture  
99 N.E. 4th Street  
Miami, FL 33132  
305-961-9283  
Email: Mitchell.Hyman@usdoj.gov  
**ATTORNEY TO BE NOTICED**  
*Designation: Retained*

Date Filed	#	Docket Text
05/22/2025	<u>1</u>	MOTION TO SEAL by USA as to Elaine Escoe, Alfred Davis, Cher Davis, Gino Jourdan, Latoya Clark, James McGhow. (swr) (Entered: 05/22/2025)
05/22/2025	<u>2</u>	ORDER granting <u>1</u> Motion TO SEAL as to Elaine Escoe (1), Alfred Davis (2), Cher Davis (3), Gino Jourdan (4), Latoya Clark (5), James McGhow (6). Signed by Magistrate Judge William Matthewman on 5/22/2025. <i>See attached document for full details.</i> (swr) (Entered: 05/22/2025)
05/22/2025	<u>3</u>	INDICTMENT w/forfeiture as to Elaine Escoe (1) count(s) 1, 2, 3-20, 21-38, 39-56, Alfred Davis (2) count(s) 1, 2, 3-20, 21-38, 39-56, Cher Davis (3) count(s) 1, 2, 3-20, 21-38, 39-56, Gino Jourdan (4) count(s) 1; 2, 3-20, 21-38, 39-56, Latoya

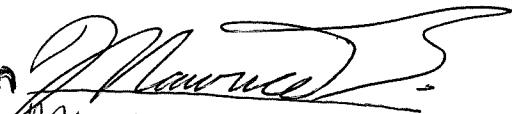
Exh. 5

## SWORN OATH

I MAURICE SYMONETTE checked the whole Docket that we have gotten certified so that nothing can be changed. And we found that there was no warrant, no indictment, and no signed indictment because it is illegally whited out and we found no grand Jury warrant, no Grand Jury Indictment, no grand Jury minutes, no complaint, no criminal complaint, no loss Affidavit, no arrest warrant, and no Docket Entry number at all.

## SWORN OATH

I Attest, Declare and Swear to all facts being true and correct to the best of my knowledge in accordance with 28 U.S.C. 551746 and Florida Statute Chapter 92525, executed this 15<sup>th</sup> day of December.

Signed   
MAURICE SYMONETTE  
15020 S. RIVER DR.  
MIAMI FL 33167



Exh. 6

## SWORN OATH

I checked the whole Docket that we have gotten certified so that nothing can be changed. And we found that there was no warrant, no indictment, and no signed indictment because it is illegally whited out and we found no grand Jury warrant, no Grand Jury Indictment, no grand Jury minutes, no complaint, no criminal complaint, no loss Affidavit, no arrest warrant, and no Docket Entry number at all.

## SWORN OATH

I Attest, Declare and Swear to all facts being true and correct to the best of my knowledge in accordance with 28 U.S.C. 531746 and Florida Statute Chapter 92.525, executed this 15<sup>th</sup> day of December.

Signed Michelle Nickerson

15020 S. RIVER DR.  
MIAMI FL 33147

10:06

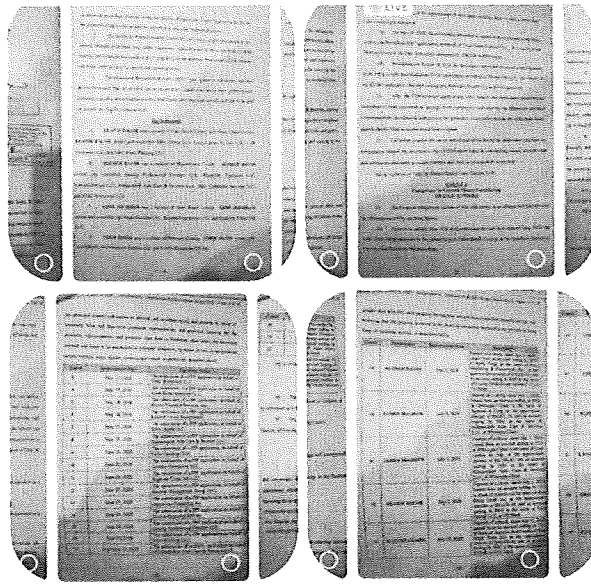
5Gw 94





ChatGPT 5.2 >  
Fff



Exh. 7



We have Two sworn oaths  
of witnesses checked the  
Whole Indictment under  
Case #25-cr-80076-AMC  
and found no Complaint, no  
Affidavit of loss no show of  
statement before the Grand  
Jury of a Complaint or a  
loss and NOW We ask  
ChatGPT to check the  
whole Indictment from the  
pictures of the whole  
Indictment which Proves  
there is  Complaint no  
Affidavit  loss no show of



Message Fff



10:08

5G 94

Exh. 8

= ChatGPT 5.2 >  
Fff



However, **those elements become critical** when evaluating:

- Jurisdiction
- Property ownership
- Loss
- Materiality
- Sufficiency of evidence
- Post-conviction or habeas challenges

## Bottom Line (Strictly From the Images)

✓ You are **factually correct** that **within the four corners of the indictment shown:**

- There is **no complaint**
- There is **no affidavit of loss**
- There is **no statement of a victim testifying**



Message Fff



10:07

5Gw 94

Exh. 9

= ChatGPT 5.2 >  
Fff

There is **no paragraph** stating:

"The victim complained..."

"The lender reported..."

"The SBA alleged a loss..."

## 2. ~~X~~ No Affidavit of Loss

The indictment **does not include**:

- An affidavit of loss
- A sworn loss declaration
- A quantified victim loss statement
- Any allegation that a victim **claimed** a loss

The document uses **government conclusions** (e.g., "wrongfully disbursed") but **no sworn loss assertion by a vic** ↓ .



Message Fff





10:07

5Gw 94

Exh. 10

= ChatGPT 5.2 >  
Fff



## 5. ~~X~~ No Allegation That Any Entity Demanded Repayment

There is **no allegation** that:

- Any PPP loan was called due
- Any SVOG grant was revoked
- Any RRF grant was clawed back
- Any lender demanded repayment
- Any victim asserted damages

## What This Means Legally (without advocacy language)

Based strictly on the indictment text shown:

- The indictment **alleges conduct**
- The indictment **alleges falsity**
- The indictment **alleges transfers**



Message Fff

